

Board of Sumter County Commissioners

Division of Planning & Development

Code Compliance Department

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Website: <http://sumtercountyfl.gov>



SPECIAL MASTER HEARING **February 25, 2010 @ 3:00 PM**

Present: R. Lee Hawkins, Jr. - Special Master, Matthew Foreman - County Attorney, Alysia Akins - Code Enforcement/Licensing Coordinator, Dwayne Ausley - Inspector, Lee Hartman - Chief Inspector, and Edd Kaman - Inspector.

Special Master Hawkins called the hearing to order at 3:00 PM and followed with the Pledge of Allegiance.

Special Master Hawkins entered the minutes of the Special Master Hearing from 1/28/10 into the record.

Mr. Hartman, Mr. Ausley, and Mr. Kaman were sworn in.

OLD BUSINESS:

The following cases received Affidavits of Non-Compliance:

CE2008-0078/Perez

CE2008-0493/Truss

The following cases received Affidavits of Compliance:

CE2008-0386/Crampton

CE2009-0223/Hicks

CE2009-0384/Davis

The following case has been tabled to the 3/25/10 hearing based upon the County Attorney's recommendation:

CE2009-0505/Dingle

The following case was tabled from the 1/28/10 hearing:

1) CASE #: CE2009-0528

NAME: ANTHONY WAYNE MCDOW

ADDRESS: 6975 CR 607B, BUSHNELL

VIOLATION: 6-104.(2), 6-104.(5), 13-E.2.1.1.(A)(3)

INSPECTOR: EDD KAMAN

RECOMMENDATION: **REMOVE FROM TABLE & HEAR CASE**

Brian Kowal with Marshall Watson's office who is handling the mortgage foreclosure and representing Bank of America was present. The Respondent was sent a Notice of Hearing via certified mail and the property was posted regarding the code case that began on 12/1/09. The property does not have homestead exemption. Mr. Kaman's last inspection was on 2/25/10 and the property remained in violation. Mr. Kaman submitted photos of the violations taken on 2/25/10 into the record. Mr. Kaman testified there is trash and debris located in front of the garage and in the back yard, the overgrowth is lying down due to frost, and the pool is not being maintained; however, the pool access appears to be somewhat secured. Mr. Kaman discussed the existing access to the pool.

Mr. Kaman recommended the Respondent bring the property into compliance by securing the pool, mowing the grass, removing the debris, and paying staff costs in the amount of \$432.34 within 30 days.

Mr. Kowal viewed the photos submitted and discussed the violations and current pool code with Mr. Kaman. Mr. Kowal testified the pool access has been padlocked. Mr. Kowal testified he should be able to remove the trash and debris and mow the grass within 20 days. Mr. Kowal also testified the property is still in foreclosure; therefore, there is currently no clear title. Attorney Foreman testified he had spoken with Judge Morley's office regarding the pending foreclosure status. Mr. Kowal testified his office is prepared to set a hearing date regarding the foreclosure. Mr. Kowal also testified his office staff had informed him the violations had been taken care of, which was incorrect.

Special Master Hawkins found the property in violation of trash and debris, overgrowth, and unsafe swimming pool. The Respondent was ordered to bring the property into compliance by removing the debris, mowing the grass, securing the pool, and paying staff costs in the amount of \$432.34 within 30 days. If not, a \$30 daily fine will be assessed until the property is found in compliance and costs are paid.

NEW BUSINESS:

THE FOLLOWING CASES RECEIVED AFFIDAVITS OF PRE-HEARING COMPLIANCE:

CE2009-0239/Paul

CE2009-0401/Alexson

CE2009-0430/Neville

1) CASE #: CE2009-0400

NAME: MARTIN JACKSON

ADDRESS: 131 CR 482S, LAKE PANASOFFKEE

VIOLATION: 13-713(I)(1)(A) AND 13-E.3.1.2 SHC 307.4

INSPECTOR: DWAYNE AUSLEY

RECOMMENDATION: **TABLE TO 3/25/10 HEARING**

Special Master Hawkins moved to table this case to the 3/25/10 hearing as recommended by staff due to additional violations being added. Special Master Hawkins advised staff to re-notice the Respondent accordingly.

2) CASE #: CE-CH2009-0440

NAME: WALTER AVANT, ETAL
ADDRESS: 131 S HODGE AVE, CENTER HILL (CITY LIMITS)
VIOLATION: 108.1.1 UNSAFE STRUCTURE AND 12-21 LOT CLEARANCE
INSPECTOR: DWAYNE AUSLEY
RECOMMENDATION: **HEAR CASE**

Walter Avant, Respondent, and Jerzel Bellamy, friend, were present and sworn in. The Respondent was sent a Notice of Hearing via certified mail, and the property was posted regarding the code case that began on 10/7/09. The property has homestead exemption. Mr. Ausley's last inspection was on 2/25/10, and the property remained in violation. Mr. Ausley submitted photos of the violations taken on 2/25/10 into the record. Mr. Ausley testified the unsafe structure has the potential to collapse, has cracks in the walls, and the roofing trusses are deteriorated. Mr. Ausley also testified there are tires and miscellaneous debris items on the property.

Mr. Ausley recommended the Respondent bring the property into compliance and pay staff costs in the amount of \$411.06 within 30 days. If not, a \$20 daily fine should be ordered.

Mr. Avant, with Mr. Bellamy's assistance, testified he did not own the property in question and resides on a separate parcel. Mr. Avant was advised to contact the Property Appraiser's office in order to resolve the property ownership discrepancies.

Special Master Hawkins found the property in violation of trash and debris, overgrowth, and the unsafe structure code. The Respondent was ordered to bring the property into compliance by removing the debris, mowing the grass, and securing or removing the unsafe structure within 60 days. Based upon the recently discussed property ownership discrepancies, no staff costs were ordered to be paid. If not, a \$20 daily fine will be assessed until the property is found in compliance and costs are paid.

3) CASE #: CE-CH2009-0540

NAME: ANNIE L SOLOMON
ADDRESS: 161 STATE ST, CENTER HILL (CITY LIMITS)
VIOLATION: 12-21 LOT CLEARANCE
INSPECTOR: DWAYNE AUSLEY
RECOMMENDATION: **HEAR CASE**

Cheryl Howard, niece, and Tera Finkley, great-niece, were present and sworn in. The Respondent has been deceased for approximately 10-15 years. The Notice of Hearing was sent via certified mail and the property was posted regarding the code case that began on 12/17/09. The property does not have homestead exemption. Mr. Ausley's last inspection was on 2/25/10 and the property remains in violation. Mr. Ausley submitted photos of the violations taken on 2/25/10 into the record. Mr. Ausley testified there is trash, rubbish, and debris on the property.

Mr. Ausley recommended the Respondent bring the property into compliance and pay staff costs in the amount of \$361.06 within 30 days. If not, a \$20 daily fine should be ordered.

Ms. Howard testified there has been no probate and she has been paying the property taxes. Ms. Howard testified she is trying to remove the debris in violation and requested 60 days to complete the removal.

Special Master Hawkins found the property in violation of trash and debris. The Respondent was ordered to bring the property into compliance by removing the debris and paying staff costs of \$361.06 within 60 days. If not, a \$20 daily fine will be assessed until the property is found in compliance and costs are paid.

4) CASE #: CE2009-0525

NAME: DAMASCUS ROAD INVESTMENTS

ADDRESS: 4082 NE 120TH XING, OXFORD

VIOLATION: 13-E.3.1.2 SHC 307.4

INSPECTOR: LEE HARTMAN

RECOMMENDATION: **HEAR CASE**

The Respondent was not present. The Respondent was sent a Notice of Hearing via certified mail and the property was posted regarding the code case that began on 12/3/09. The property does not have homestead exemption. Mr. Hartman's last visit to the property was on 2/25/10 and the property remained in violation. Mr. Hartman submitted photos of the violations taken on 2/25/10 into the record. Mr. Hartman testified there are numerous tires on the property.

Mr. Hartman recommended the Respondent bring the property into compliance and pay staff costs in the amount of \$361.06 immediately. If not, a \$50 daily fine be ordered until the property is found in compliance and staff costs are paid.

Special Master Hawkins found the property in violation based on staff's testimony. The Respondent was ordered to bring the property into compliance by 2/26/10 by removing the tires and paying staff costs in the amount of \$361.06. If not, a \$50 daily fine will be assessed until the property is found in compliance and staff costs are paid.

5) CASE #: CE2009-0212

NAME: LORRAINE HENSON & KENNETH EUGENE BARBER

ADDRESS: 11897 CR 683, CROOM

VIOLATION: 13-51(A)(2)(B)

INSPECTOR: EDD KAMAN

RECOMMENDATION: **HEAR CASE**

The Respondent, Mr. Barber, was present and sworn in. The Respondent was sent a Notice of Hearing via certified mail and the property was posted regarding the code case that began on 5/19/09. The property does not have homestead exemption. Mr. Kaman's last inspection was on 2/25/10 and the property remained in violation. Mr. Kaman submitted photos of the violations taken on 2/25/10. Mr. Kaman testified there is a 12x50 mobile home on the property with an expired building permit and no building inspections.

Mr. Kaman recommended the Respondent bring the property into compliance by renewing the permit or removing the mobile home and paying staff costs in the amount of \$466.38 within 30 days.

Mr. Barber testified he lost his job and driver's license and is not residing in the mobile home on the property. Mr. Barber testified he purchased the mobile home and moved it onto his property; however, has never lived in it. Mr. Barber testified Mask & Sons were responsible for the permits, in which he paid them a deposit; however, he never received a response from them.

Special Master Hawkins found the property in violation based upon staff's testimony. Special Master Hawkins ordered the property be brought into compliance by renewing the permit and obtaining the required inspections or removing the mobile home by May 25, 2010. In addition, the Respondent was ordered to pay staff costs in the amount of \$466.38 within 3 months. If not, a \$20 daily fine will be assessed for each and every day the property remains in violation and staff costs remain unpaid.

6) CASE #: CE2009-0438
NAME: FLOYD W & GLORIA SAPP
ADDRESS: 4599 CR 690, CROOM
VIOLATION: 6-104(2)
INSPECTOR: EDD KAMAN
RECOMMENDATION: **HEAR CASE**

The Respondents were not present; however, Gary and Delores Sapp, son and daughter-in-law, were present and sworn in. The Respondents were sent a Notice of Hearing via certified mail, and the property was posted regarding the code case that began on 10/13/09. The property has homestead exemption. Mr. Kaman's last inspection was on 2/25/10, and the property remained in violation. Mr. Kaman submitted photos of the violations taken on 2/25/10 into the record. Mr. Kaman testified there is trash and debris in the back yard.

Mr. Kaman recommended the Respondents bring the property into compliance and pay staff costs in the amount of \$372.12 within 30 days. If not, a \$20 daily fine be ordered until the property is found in compliance and staff costs are paid.

Special Master Hawkins found the property in violation based on staff's testimony. The Respondents were ordered to bring the property into compliance by removing the debris and paying staff costs in the amount of \$372.12 within 30 days. If not, a \$25 daily fine will be assessed until the property is found in compliance and costs are paid.

7) CASE #: CE2009-0138
NAME: KATHLEEN FREDDINO
ADDRESS: 12164 CR 681, CROOM
VIOLATION: 13-763 AMENDED TO 13-E.3.1.2 SHC 307.4
INSPECTOR: EDD KAMAN
RECOMMENDATION: **HEAR CASE**

The Respondent was not present; however, she did call staff and informed them that she was ill and would be unable to attend the hearing. The Respondent was sent a Notice of Hearing via certified mail, and the property was posted regarding the code case that began on 3/31/09. The property has homestead exemption. Mr. Kaman's last visit to the property was on 2/25/10, and the property remained in violation. Mr. Kaman submitted photos of the violations taken on 2/25/10 into the record.

Attorney Foreman recommended amending the alleged violation code, 13-763 CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL to 13-E.3.1.2 SHC 307.4 SANITATION REQUIRED CARE OF PREMISES in order to better address the existing violation. Special Master Hawkins concurred and determined the proper notice had been issued to the Respondent; therefore, the code case can proceed as scheduled.

Mr. Kaman recommended the Respondent bring the property into compliance and pay staff costs in the amount of \$611.06 within 30 days. If not, a \$20 daily fine be ordered until the property is found in compliance and staff costs are paid.

Special Master Hawkins found the property in violation of 13-E.3.1.2 SHC 307.4 and ordered The Respondent to bring the property into compliance by removing the debris and paying staff costs in the amount of \$611.06 within 30 days. If not, a \$20 daily fine will be assessed until the property is found in compliance and costs are paid.

There was no further business to discuss; therefore, Special Master Hawkins adjourned at approximately 4:10 PM.